

REMARKS

Claims 1, 4, 8, 12, 16, 20 and 24 are pending in the application, all other claims having been withdrawn and cancelled pursuant to a restriction requirement and an election of species.

In the Office Action, each of the pending claims stands rejected under 35 USC 103(a) as being obvious over Maekawa 6,066,547 in view of Kitakado et al. 6,461,899.

The Examiner notes that, based upon the effective filing date of Kitakado et al., it constitutes prior art only under 35 USC 102(e). The Examiner also notes that Kitakado et al. has a common Assignee with the instant application.

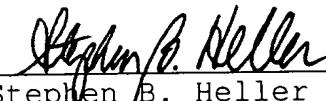
35 USC 103(c) provides that "subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Accordingly, Applicants submit that Kitakado et al. is disqualified as prior art with respect to the present application based upon the provisions of 35 USC 103(c). A copy of the Notice of Recordation indicating the common Assignee for

the present application is enclosed for the convenience of the Examiner.

Based upon the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of the pending claims. An early Office Action in this regard is earnestly solicited.

Respectfully submitted,



Stephen B. Heller
Registration No. 30,181

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - #2850
Chicago, IL 60606
(312) 236-8500



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COOK, ALEX, MCFARRON, MANZO, ET AL.
EDWARD D. MANZO
200 WEST ADAMS STREET, SUITE 2850
CHICAGO, IL 60606



COOK, ALEX, MCFARRON,

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ASSIGNOR:

TANAKA, KOICHIRO

DOC DATE: 05/29/2001

ASSIGNOR:

OHNUMA, HIDETO

DOC DATE: 05/29/2001

ASSIGNOR:

KOKUBO, CHIHO

DOC DATE: 05/28/2001

ASSIGNEE:

SEMICONDUCTOR ENERGY LABORATORY
CO., LTD.
398, HASE, ATSUGI-SHI
KANAGAWA-KEN 243-0036, JAPAN

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